THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 23380 of 2005

28-10-2005

Between:

M/s. Thanvi Enterprises, Electrical, Civil & Transport Contractor,
Rep. by its Proprietor B. Venkata Swamy C/o. Vasavi Supplier, Bus Depot Road,
Wanaparthy, Mahabubnagar District.

..... PETITIONER

AND

1 Central Power Distribution Company of A.P. Limited, Rep. by tis Chairman

and Managing Director, Singareni Bhavan, Lakdikapool, Hyderabad.
2 The Superintending Engineer (Operations), CPDCL, Mahaboobnagar.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 23380 of 2005

O R D E R:

The petitioner questions letter No. SE/OP/MBNR/Tech-I/D/No/ 7696/05 dated 21-10-2005 issued by the 2nd respondent-Superintending Engineer (Operations), CPDCL, Mahaboobnagar.

I deem it appropriate to refer the relevant portion of the order impugned

and it reads thus:

> "In the above reference cited, the Corporate Office has communicated that your firm is kept under Black List for two years commencing from 15-10-2005.
>
> Hence, you are requested to stop the works execution in Mahabubnagar Circle as is where is basis immediately. No further correspondence will be entertained in this regard."

Learned counsel for the petitioner submits that a memo No. Dir/OP/SE/O &M/F.1817, dated 15-10-2005, wherein it is stated that the petitioner-firm was kept under black-list for two years commencing from 15.10.2005, was not at all communicated to the petitioner herein but communicated to the 2nd respondent alone and therefore, the impugned order issued by the 2nd respondent basing on the said memo, directing the petitioner to stop execution of work entrusted to him with immediate effect, without giving notice, is illegal and arbitrary.

A reading of the order impugned discloses that no notice has been issued to the petitioner and nowhere it is stated that the memo dated 15-10-2005 was served on him.

Having regard to the facts and circumstances of the case and in view of the fact that no notice has been served on the petitioner, I am of the view that the impugned order is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the impugned order, leaving it open for the respondents to issue a show cause notice to the petitioner and proceed against him as per law, after giving reasonable opportunity to him. No costs.

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28-10-2005

Mjl/*